

EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, ET AL.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:02cv00107
)	(Consol. with C-1-02-108 and
)	C-1-02-135)
THE BOARD OF COUNTY COMMISSIONERS,)	
HAMILTON COUNTY, OHIO)	Judge S. Arthur Spiegel
)	
)	
Defendants.)	
)	
)	

**DECLARATION OF PATRICK T. KARNEY, P.E., DEE, IN SUPPORT OF REPLY OF
DEFENDANTS TO INTERVENOR SIERRA CLUB'S MEMORANDUM IN
OPPOSITION TO ENTRY OF THE CONSENT DECREES**

I, being first duly sworn, state as follows:

1. I am over 18 years of age and am competent to testify regarding the following:
2. I am currently a Professional Engineer (P.E.) and a Diplomate Environmental Engineer (DEE), an internationally recognized credential that is accepted in the engineering profession as the hallmark of premier environmental engineers.
3. I am the current director of the Metropolitan Sewer District of Greater Cincinnati in Cincinnati, Ohio ("MSD").
4. On January 4, 2004, the Cincinnati metropolitan area suffered a heavy rainstorm in which 4 inches of rain fell in a twenty-four hour time period. On this date, MSD received 253 calls under the new WIB Program. The volume of calls created some logistical problems that

resulted in delayed response times and personnel issues. We have resolved those issues, and have continued to improve the WIB Program over time.

5. In the program's first quarter alone, MSD expended more than \$1 million in WIB Program costs and placed more than 800 homes into the WIB Prevention Program.


6. During rain events, MSD employs up to 86 men and women in the field at once to respond to WIB calls, with a minimum of 24 employees during non-peak conditions.

7. In my declaration dated April 3, 2002, I stated that the SSO Elimination Program implemented under the 1992 DFFO cost MSD approximately \$174 million. MSD spent approximately \$52 million in capital expenditures addressing SSOs from April 2002 through December 31, 2003. Total expenditures since the 1992 DFFO have contributed to the elimination of approximately 69 SSOs.

8. During the calendar year 2003, MSD spent approximately \$12 million in capital expenditures addressing CSOs and wastewater treatment plant improvements.

9. Based on the best available evidence, MSD estimates that its total CSO overflow volume is approximately 75 times greater than its SSO overflow volume. Moreover, CSOs, which represent an outdated approach to sewer system design that was abandoned decades ago, tend to be located in older, poorer sections of Greater Cincinnati's urban core.

I swear under the penalty of perjury that the foregoing is true to the best of my knowledge and belief.

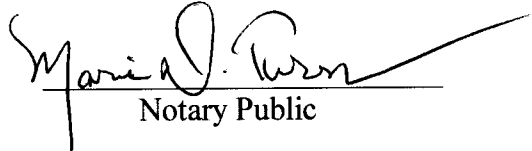

Patrick T. Karney, P.E., DEE

On this 11 day of May, 2004, before me, the undersigned officer, personally appeared Patrick T. Karney, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



MARIA D. TURNER
Notary Public, State of Ohio
My Commission Expires 10-13-08


Notary Public

My commission expires: 10-13-08